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TRINA A. HIGGINS, United States Attorney (#7349)
CARLOS A. ESQUEDA, Assistant United States Attorney (#5386)
Attorneys for the United States of America
111 South Main Street, Suite 1800 · Salt Lake City, Utah 84111
Telephone: (801) 325-3352

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW JONES,

Defendant.

INDICTMENT

VIOS.

COUNTS 1-13, 18 U.S.C. § 1343, WIRE
FRAUD;

COUNTS 14, 15, 49 U.S.C. § 46306(b)(7),
OPERATING AS AN AIRMAN
WITHOUT AN AIRMAN CERTIFICATE;
COUNT 16, 49 U.S.C. § 46306(b)(4),
REGISTRATION VIOLATIONS
INVOLVING AIRCRAFT.

Case: 2:22-cr-00287
Assigned To : Barlow, David
Assign. Date : 8/9/2022

The Grand Jury charges:

I. THE SCHEME AND ARTIFICE TO DEFRAUD

At all times relevant to this Indictment:

1. The defendant, Matthew Jones (JONES) was a resident of West Valley City, Utah.

2. On or about November 2, 20221, JONES, J.G., J.W., created Lyfted, LLC, for the purpose of providing helicopter pilot certification and dual flight instruction, pleasure trips, Aerial photography, Sight-seeing tours Aerial surveys and Animal spotting. JONES represented himself to be the owner and operator of Lyfted LLC and a Certified Flight Instructor (CFI) in fixed-winged aircraft and helicopters. A joint credit card account was obtained in J.G.'s and JONES' names for use and purchases of the business.

3. Beginning in or around November 2, 2021, and continuing until on or about December 28, 2021, JONES was involved in a scheme and artifice to defraud J.G., and J.W., to obtain money by means of false and fraudulent pretenses, representations, promises, and omissions of material fact.

4. On December 29, 2021, JONES signed a lease agreement with Touchstones Helicopters, based in Los Angeles, California, to lease a 2005 Robinson R44 Helicopter (N544SC).

5. On December 29, 2021, JONES and J.G., traveled to the Gaitlinburg Pigeon Forge Airport located in Sevierville, TN, to pick up the 2005 Robinson R44 Helicopter (N544SC). Against advice from local grounds personnel, JONES piloted the 2005 Robinson R44 Helicopter (N544SC), crashing the helicopter into the mountain killing J.G with JONES suffering serious bodily injury and paralysis.

6. It was the object of the scheme and artifice to defraud for JONES to obtain money from J.G., and J.W. through false statements, misrepresentations, deception, and omissions of material facts, and false pretenses, in that JONES falsely represented himself to be a Certified Flight Instructor, CFI, and a certified pilot in helicopters and fix-wing aircraft

authorized to provide training, flight instruction, flights, transportation via fixed-winged aircraft and certification through the Federal Aviation Administration (FAA).

7. In so doing, JONES used text messaging, email and Instagram in representing himself to be a CFI, thereby causing interstate wire communications.

8. In furtherance of the scheme, JONES and N.M. entered into an agreement to provide N.M. flight instructions to become a certified pilot. Jones indicate to N.M. that he was a CFI and provided flight instruction to N.M. on 3-4 occasions.

9. It was further a part of the scheme and artifice to defraud that the representations described above were material, that is, they had a natural tendency to influence, or were capable of influencing, the decisions of the persons or entities to whom they were addressed.

10. On November 2, 2021, JONES posted on his Facebook page an advertisement looking for twenty people interested in flying to the Sundance Film Festival in Park City, Utah. Y.B. responded to the advertisement and requested that Jones fly Y.B. and her friends to the Sundance Film Festival. Text messages were exchanged whereby JONES offered to fly Y.B. and her friends for \$600.00. Y.B. ultimately decided not to hire JONES because, "something seemed off."

11. JONES also had contact with R.R., owner of Randon Aviation, a flight school and aircraft rental business. R.R. provided that he has known JONES for at least four years. JONES represented himself to R.R. as a CFI in fixed-winged aircraft and helicopters. R.R. stated that JONES rented airplanes from him on 3-4 occasions. R.R. stated he flew with

JONES as a passenger on 3-4 occasions. R.R. confirmed that JONES rented and flew fixed-wing aircraft from Randon Aviation by himself on several occasions.

12. FAA records confirm that JONES has never been approved to pilot fixed-wing aircraft and that JONES is not a certified pilot in fixed-winged aircraft. FAA records confirm that JONES is not a CFI in any aircraft.

13. In October 2021, JONES approached R.R. stating he was interested in starting a helicopter school and sight-seeing tours.

14. R.R. verified that JONES rented a flew a fixed-wing Piper Cherokee aircraft (N32544) on November 28, 2021, and flew to Wendover, Utah with a passenger identified as J.G. JONES is not a licensed pilot for fixed-wing aircraft.

15. Veterans Affairs medical records provide that JONES received a 20 percent disability rating for having seizures. Medical records provide that JONES suffered a stroke on June 30, 2020.

16. FAA requires the completion of a medical packet application to ensure pilots are medically able to fly. In December 2021, JONES electronically submitted to the U.S. Department of Transportation, FAA medical office a MedXpress application and Medical Certification. JONES failed to disclose his history of seizures, strokes and marijuana usage.

17. According to FAA regulations a medical history of seizures and strokes would disqualify a pilot from flying and obtaining a pilot's license. JONES failed to disclose his medical conditions to J.G., J.W., R.R., insurance company or the FAA.

COUNTS 1-13

18 U.S.C. § 1343

(Wire Fraud)

18. The allegations set forth in paragraphs 1-17, are incorporated herein by reference and re-alleged as though fully set forth herein.

19. On or about each of the dates set forth below, in the District of Utah and elsewhere,

MATTHEW JONES,

the defendant herein, for the purpose of executing, and attempting to execute, the scheme and artifice to defraud J.G., N.M, Y.B, and J.W. as described above, and to obtain money and property by means of false and fraudulent pretenses, representations and promises, did cause to be transmitted in interstate commerce by means of wire communication certain writings, signs, and signals, each such use of wire communications being a separate count of this Indictment, all in Violation of Title 18, United States Code, Section 1343.

Count	Date	Use of Interstate Means
1	November 2, 2021	Online application for LYFT, L.L.C. for Air Transportation
2	December 29 2021	Emailed lease agreement to Touchstone Helicopters. Faxed Exhibit A Delivery and Acceptance Certificate for Helicopter Lease Agreement
3	December 10, 2021	Emailed insurance questionnaire omitting his stroke and seizure conditions
4	December 6, 2021	Electronically submitted Medical Certification to FAA. Omitted seizure, stroke, disability determination, and marijuana use

5	November 2, 2021	Advertisement on Facebook offering air transportation to Sundance Film Festival, Park City, Utah
6	November 3, 2021	Text messages to Y.B. offering air transportation via fixed wing aircraft to Park City, Utah, Sundance Film Festival
7	July 28, 2021	Text message to N.M. regarding flight instruction and declaring to be a CFI
8	June 21, 2021	Text message to N.M. regarding flight instruction and education
9	June 14, 2021	Text message to N.M. confirming class time and flight instruction
10	June 12, 2021	Text message to N.M. confirming price and payment method for flight instruction
11	June 11, 2021	Text message to N.M. from JONES declaring receipt of First Class Flight Medical
12	May 26, 2021	Text message to N.M. flight instruction and training
13	May 12, 2021	Text message to N.M. for cost per hour for flight instruction and CFI instruction

COUNT 14

49 U.S.C. § 46306(b)(7)

(Operating as an Airman without an Airman Certificate)

20. The allegations set forth in paragraphs 1-17, are incorporated herein by reference and re-alleged as though fully set forth herein.

21. On or about May 12, 2021, through December 28, 2021, in the District of Utah and elsewhere,

MATTHEW JONES,

the defendant herein, did knowingly and willfully serve and attempt to serve in any capacity as an airman, that is a pilot and certified Flight Instructor (CFI), without an airman's

certificate issued by the Administrator of the Federal Aviation Administration (FAA), authorizing him to serve in that capacity, all in violation of 49 U.S.C. § 46306(b)(7).

COUNT 15

49 U.S.C. § 46306(b)(7)

(Operating an Aircraft as an Airman without an Airman Certificate)

16. The allegations set forth in paragraphs 1-17, are incorporated herein by reference and re-alleged as though fully set forth herein.

17. On or about November 28, 2021, in the District of Utah and elsewhere,

MATTHEW JONES,

the defendant herein, did knowingly and willfully serve and attempt to serve in any capacity as an airman, that is operated a fixed-wing aircraft without an airman's certificate issued by the Administrator of the Federal Aviation Administration (FAA), authorizing him to serve in that capacity, all in violation of 49 U.S.C. § 46306(b)(7).

COUNT 16

49 U.S.C. § 46306(b)(4)

(Registration Violations Involving Aircraft not Proving Air Transportation)

16. The allegations set forth in paragraphs 1-17, are incorporated herein by reference and re-alleged as though fully set forth herein.

17. On or about December 6, 2021, in the District of Utah and elsewhere,

MATTHEW JONES,

the defendant herein, did intentionally obtain and cause to be obtained a certificate authorized to be issued under Title 49, United States Code, Section 44103, and Federal

Aviation Administration regulation Title 14 CFR § 61.23 (a)(3)(i), that is, a Medical Certificate First Class Pilot Certificate, by knowingly and willfully falsifying and concealing a material fact by asserting that the defendant did not suffer from seizures and strokes, all in violation of 49 U.S.C. § 46306(b)(4).

NOTICE OF INTENT TO SEEK FORFEITURE

Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), upon conviction of any offense charged herein in violation of 18 U.S.C. § 1343, the defendant(s) shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the scheme to defraud. The property to be forfeited includes, but is not limited to, the following:

- A money judgment equal to the value of any property, real or personal, constituting or derived from proceeds traceable to the scheme to defraud and not available for forfeiture as a result of any act or omission of the defendant for one or more of the reasons listed in 21 U.S.C. § 853(p).
- Substitute property as allowed by 28 U.S.C. § 2461(c) and 21 U.S.C. § 853(p).

A TRUE BILL:



FOREPERSON OF GRAND JURY

TRINA A. HIGGINS
UNITED STATES ATTORNEY



CARLOS A. ESQUEDA
ASSISTANT UNITED STATES ATTORNEY